REMARKS

Claim 1 has been amended to incorporate therein the recitation of claim 6. Claim 6 has been canceled. Entry of the amendment is respectfully requested as placing the case in condition for allowance.

Review and reconsideration on the merits are requested.

Claims 1-3 and 6-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. 2003/0198770 to Fukushi et al.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendment to the claims and the following remarks.

The laminate of amended claim 1 has a layer (A) comprising a fluororesin and a layer (B) comprising a fluorine-free organic material. The polymer constituting the fluororesin is a chlorotrifluoroethylene copolymer comprising chlorotrifluoroethylene units, tetrafluoroethylene units and monomer [A] units derived from monomers [A] copolymerizable with chlorotrifluoroethylene and tetrafluoroethylene. Further, the chlorotrifluoroethylene unit and the tetrafluoroethylene unit amount to 90 to 99.9 mole percent in total, the monomer [A] unit amounting to 10 to 0.1 mole percent.

The chlorotrifluoroethylene copolymer comprising chlorotrifluoroethylene units, tetrafluoroethylene units and monomer [A] units exhibits excellent liquid chemical impermeability without impairing bonding strength. Examples 6 and 7 show the unexpected result of increased bonding strength after fuel storage in addition to decreased fuel permeation rate.

The Examiner considered that the excellent effect of the invention, as demonstrated in Examples 6 and 7, was not commensurate in scope with the invention as claimed. In response,

Applicants believe that the test data of Examples 6 and 7 demonstrates the effect of the invention and is representative of the scope of amended claim 1.

On the other hand, Fukushi et al. discloses an article comprising a layer of a perhalogenated polymer. The perhalogenated polymer comprises interpolymerized units such as TFE and CTFE. See paragraph [0015].

However, Fukushi et al. does not disclose the claimed copolymer comprising CTFE, TFE and monomer [A] and a laminate comprising the layer thereof. For this reason alone, it is respectfully submitted that the amended claims are not anticipated by Fukushi et al and define novel subject matter.

In addition, Fukushi et al. do not teach or suggest low fuel impermeability achieved by means of a laminate comprising the claimed copolymer. Although the Examiner cites Fukushi et al. as disclosing that the perhalogenated polymer may comprise TFE and CTFE in addition to other perfluorinated monomers, there is no specific instruction or motivation to select the claimed combination.

With regard to adhesiveness, Fukushi et al. disclose a method of adhering a perfluoropolymer to another fluoropolymer [0003]. In addition, the adhesiveness is achieved not by a perhalogenated polymer, but by a partially fluorinated polymer of VDF, HFP and TFE, at paragraph [0030]. Since the laminate of the invention has a layer (A) comprising the specific fluororesin and a layer (B) comprising a fluorine-free organic material, the method of Fukushi et al does not teach the present invention.

Furthermore, the effect of the invention is unexpected. Indeed, the laminate of the invention has a lower fuel impermeability without impairing the bonding strength than that of the laminate comprising a layer of perhalogenated polymer disclosed by Fukushi.

Fukushi et al. disclose FEP, PFA, PCTFE, MFA and the like as preferred perfluorinated polymers at paragraph [0024] and gives as examples TFE/HFP, TFE/HFP/PPVE, and TFE/PPVE corresponding to F-A to F-F in Table 2 of the present specification. The laminates comprising these polymers have a high fuel permeation rate as shown in Table 3. To the contrary, the specific chlorotrifluoroethylene copolymer of amended claim 1, as noted above in reference to Examples 6 and 7, provides *decreased* fuel permeation rate in addition to increased bonding strength. This result, due to subtle yet important differences in copolymer composition, could not have been predicted by one of ordinary skill with Fukushi et al in hand.

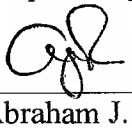
For the above reasons, it is respectfully submitted that the amended claims are neither anticipated nor obvious over Fukushi et al, and withdrawal of the foregoing rejection is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-3, 7 and 8 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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